

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Docket No.: 97-25 (PG)

MANUEL L. GOMEZ-GONZALEZ,

Defendant.

PETITIONER'S MOTION AND AFFIDAVIT FOR LEAVE TO
PROCEED IN FORMA PAUPERIS PURSUANT TO TITLE 28 U.S.C. 1915

COMES NOW PETITIONER, Manuel L. Gomez-Gonzalez, *pro-se*, and respectfully moves this Honorable Court for leave to proceed in forma pauperis, in accordance with the provisions of Title 28, United States Code, Section 1915, and the Rules of his Court.

The affidavit of Manuel L. Gomez-Gonzalez in support of this motion is attached hereto.

I, Manuel L. Gomez-Gonzalez, being first duly sworn according to law, depose and say that I am the Petitioner in the above-entitled cause, and in support of my application for leave to proceed without being required I prepay costs or fees, state: (A) because of my poverty I am unable to pay the cost of the cause; (B) I am unable to give security for the same; (C) I believe that I am entitled to the redress I seek in the cause; (D) this review is sought in good faith; (E) the nature of the cause is stated as an appeal to the District Court's denial of a Nunc Pro Tunc Order, (F) the petition raises substantial questions.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the costs of prosecuting the appeal are true.

1) I am presently unemployed.

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2) I have not received within the last 12 months any income from a business, profession of other form of self-employment, in the form of rent payments, interest, dividend, or other source.

3) I do not own cash or a checking or savings account.

4) I do not own any real estate, stocks, bonds, notes, automobiles, or other valuable property.

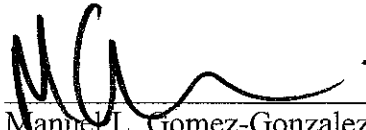
5) I have no persons dependent on me for support.

6) I have read the foregoing and state that it is true and correct.

Done this 15 day of August 2005

I hereby do certify that pursuant to Penalty of Perjury Title 28 U.S.C. § 1746 that on this 15 day of August 2005 I signed and mailed this document via the Federal Bureau of Prisons' Legal Mail System.

Respectfully submitted,



Manuel L. Gomez-Gonzalez, *pro-se*
Sandstone FCI
Reg. 53446-053
P.O. Box 1000
Sandstone, MN 55072

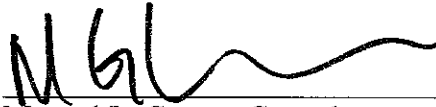
CERTIFICATE OF SERVICE

I HEREBY DO CERTIFY, that a true and correct copy of this Motion and Affidavit for Leave to Proceed In Forma Pauperis was mailed to: A.U.S.A. Carlos Martinez, U.S. Attorneys' Office, Torre Chardon, Suite 1201, 350 Carlos Chardon Avenue, San Juan, Puerto Rico 00918, by First Class Mail with sufficient First Class Mail.

Done this 15 day of August 2005

I hereby do certify that pursuant to Penalty of Perjury Title 28 U.S.C. § 1746 that on this 15 day of August 2005 I signed and mailed this document via the Federal Bureau of Prisons' Legal Mail System.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MGL', followed by a long, wavy horizontal line.

Manuel L. Gomez-Gonzalez, *pro-se*
Sandstone FCI
Reg. 53446-053
P.O. Box 1000
Sandstone, MN 55072